

TOWN OF STELLA
SUBDIVISION ORDINANCE
ORDINANCE # 06-03

LAND DIVISION, SUBDIVISION & PLATTING

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LAND DIVISION, SUBDIVISION & PLATTING 13.1.01

13.1.01 **STATUTORY AUTHORITY.** These regulations are adopted under the authority granted by Section 236.45, WIS. Statutes.

13.1.02 **PURPOSE.** The purpose of this ordinance is to regulate and control the division of land within the limits of the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town.

13.1.03 **INTENT.** It is the general intent of this ordinance to regulate tile division of land so as to:

- (a) Obtain the wise use, conservation, protection and proper development of the Town's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- (b) Lessen congestion in the roads and highways.
- (c) Further the orderly layout and appropriate use of land.
- (d) Secure safety from fire, panic and other dangers.
- (e) Provide adequate light and air.
- (f) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds and other public facilities and services.
- (g) Secure safety from flooding, water pollution, disease and other hazards.
- (h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.
- (i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.
- (j) Preserve natural vegetation and cover, and promote the natural beauty of the Town.
- (k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.
- (l) Facilitate the further division of larger tracts into smaller parcels of land.
- (m) Ensure adequate legal description and proper survey monumentation of subdivided land.
- (n) Provide for the administration and enforcement of this ordinance.
- (o) Provide penalties for ordinance violations.
- (p) Implement those Town, County, watershed or regional comprehensive plans or their components adopted by the Town; in general, to facilitate enforcement of Town development standards as set forth in this ordinance and in the adopted regional, County and Town comprehensive plans, adopted plan components, the County Zoning Code, the

Official Map and the County Shoreland- Wetland and Floodplain Zoning Codes.

13.1.04 **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any zoning or shore land regulation contained in the Oneida Code. County Zoning and Shoreland Protection Ordinance. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

13.1.05 **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes to the Town.

13.1.06 **NON-LIABILITY.** The Town hereby asserts that there is no liability on the part of the Town, its agencies or its employees for sanitation problems, structural damage or flood damages that may occur as a result of reliance upon and conformance with this ordinance.

13.1.07 **SEVERABILITY.** If a court of competent jurisdiction adjudges any portion of the ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.

13.1.08 (Reserved for future use)

GENERAL PROVISIONS 13.2

13.2.01 JURISDICTION. Jurisdiction of these regulations shall include all lands within the limits of the Town. The provisions of this ordinance, as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to the following:

- (a) Transfers of interests in land by will or pursuant to court order.
- (b) Leases for a term not to exceed 10 years, mortgages or easements.
- (c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the Oneida County and

Shoreland

Protection Ordinance (hereinafter "Oneida Code") or other applicable laws or ordinances.

- (d) Cemetery plats made under Section 157.07, Wis. Statutes
- (e) Assessors' plats made under Section 70.27, Wis. Statutes, but such assessors' plats shall comply with Sections 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Statutes

13.2.02 COMPLIANCE. No person shall divide any land located within Town of Stella without submitting the land division proposal to the Town Clerk and without compliance with all requirements of this ordinance, applicable Wisconsin Statutes and the following:

- (a) Chapter 236, Wis. Statutes
- (b) Duly approved comprehensive plan of the Town of Stella.
- (c) The Oneida Code and any other applicable local and county ordinances.
- (d) A developer's or subdivider's agreement ("Agreement") between the Town and the developer or subdivider if required by the Town Board.

13.2.03 DEDICATION AND RESERVATION OF LANDS, ROADS, HIGHWAYS, DRAINAGE WAYS AND RECREATIONAL TRAILS.

Whenever a tract of land to be divided encompasses all or any part of an arterial road, public drainageway or other public way (herein "public ways") which has been designated in the town's Comprehensive Land Use Plan, or on the Official Map of the Town, said public ways shall be made a part of the plat and dedicated to the town.

13.2.04 IMPROVEMENTS. Before final approval of any plat, the subdivider shall enter into an "Agreement" with the Town to install the required improvements and shall file with the Town an irrevocable letter of credit or other appropriate sureties equal to the estimated cost of the improvements. The improvements may be installed by the subdivider, or their subcontractors, after approval of a preliminary plat or certified survey map by the Town Board, but not later than provided in the Agreement. The Agreement shall specify a completion date for all improvements. In addition, if the Town Board does not require an Agreement, final plat approval shall be withheld until all improvements are

made and approved. Agreements shall contain the following:

- (a) Plans and specifications for all improvements. Review and approval of a final plat shall not be initiated until the improvement plans have been reviewed and approved and until the subdivider's agreement has been fully executed.
- (b) Contracts and contract specifications for the construction of road and utility improvements on dedicated road rights-of-way. Such work shall be subject to the written approval of the Town Board or its designee in accordance with Town standards and specifications.
- (c) Private roads serving lots or parcels in a subdivision to a land division or connecting the subdivision lots or lots in a land division to a Town road, county, or state highway shall be jointly held by the property owner in fee or by easement. In addition, a recorded landowners' agreement shall provide for the repair and maintenance of such private road.

13.2.05 **VARIANCES.** Where in the judgment of the Town Board and upon the recommendation of the Plan Commission it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without impairing the intent and purpose of this Ordinance or the desirable general development of the Town. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Ordinance and the reason shall be entered in the meeting minutes, a copy of which shall be attached to the plat. No modification may be granted that would be contrary to the Wisconsin Statutes or Administrative Code.

13.2.06 **APPEALS.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve by certiorari to Circuit Court, as provided in Section 62.23(10) Wis. Statutes, within 30 days of notification of the rejection of the plat.

13.2.07 (Reserved for future use)

DEFINITIONS 13.03

13.3.01 The following definitions shall apply and control through this ordinance. Words or phrases not defined specifically below but used in this ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this ordinance its most reasonable application

AVERAGE LOT WIDTH: The average lot width (ALW) applies to the area covered by the minimum lot area and shall be calculated using the protocol described in Wis. Admin. Code, Comm. 85 Appendix.

CERTIFIED SURVEY MAP (CSM): A map of a division of land prepared in accordance with Chapter 236.34, Wis. Statutes.

COMPREHENSIVE LAND USE PLAN (CLUP): The official guide for the physical, social and economic growth of the Town of Stella or its constituent parts, properly enacted or adopted according to statute, which is now or may hereafter be in effect.

CONSTRUCTION YEAR: A period of time commencing on January 1 and ending on the next December 31.

COUNTY: Oneida County, unless a general reference to counties is inferred.

CUL-DE-SAC: A short minor road having one end open to motor traffic and the other end terminated by a vehicular turnaround.

DAYS: Calendar days, except if the final day falls on a weekend or legal holiday, the last day shall be the next business day.

DEAD-END ROAD: A road having only one outlet for vehicular traffic and no vehicular turnaround.

DEVELOPER: A person that constructs or creates a land development or land division.

DEVELOPMENT: The act of constructing buildings or installing site improvements.

DIVIDE: To create a land division.

EASEMENT: Any strip of land reserved for public utilities, access, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of the servitude.

FINAL PLAT: The map or drawing of a land division prepared in compliance with the

provisions of Chapter 236, Wis. Statutes, and any accompanying material as described in Section 6 of this ordinance.

FLOODPLAIN: The land that has been or may hereafter be covered by floodwater during a regional flood. The floodplain is comprised of the floodway and flow fringe and general floodplain areas as delineated on the FEMA maps.

FRONTAGE: The length of the front property line of the lot, lots or tract of land abutting a public road, highway or rural right-of-way.

GRADIENT: The slope of a road, or other public way specified as a percentage.

HIGH GROUNDWATER ELEVATION: The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.

IMPROVEMENTS, PUBLIC: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-road parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.

IRREVOCABLE LETTER OF CREDIT: An agreement guaranteeing payment for land division improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the Town, and which is approved, as to form, by the Town Attorney.

LAND DIVISION: A division of a lot, parcel or tract of land.

LAND DIVISION DESIGN STANDARDS: The basic planning standards established as guides for the development of a land division.

LAND DIVISION, UNLAWFUL: Any land division made in violation of this ordinance or the Wisconsin Statutes.

LIMITED ACCESS EXPRESSWAY OR FREEWAY: A traffic way in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

LOCAL UNIT: A local unit in this ordinance includes the County as well as towns, villages and cities.

LOT: A distinct parcel or plot of land.

LOT, CORNER: A lot abutting 2 or more roads at their intersection provided that a corner of such intersection shall have an angle of 135 degrees or less, measure on the lot side.

LOT, DOUBLE FRONTAGE: A lot with public road frontage on opposite property boundaries.

LOTS, REVERSE FRONTAGE: Corner lots with no provision for extra width to permit side yard to be the same as the front yard on that side.

MAJOR LAND DIVISION: ("MALD"), a division of land resulting in: (a) creation of five (5) or more lots any one of which is seventeen (17) acres or less in size; or (b) five (5) or more lots of land any one of which is seventeen (17) acres or less in area which are created by successive land divisions within a period of five (5) years. Major land divisions include all subdivisions.

MINOR LAND DIVISION. ("MILD") A division of land not defined as a subdivision. A division of land resulting in the creation of two (2) but not more than four (4) lots.

NAVIGABLE WATER: Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. (Muench v. Public Service Commission, 261 Wis. 2d 492 (1952) and DeGaynor and Co. Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975).]

OFFICIAL MAP: The map of the Town adopted pursuant to the Wisconsin Statutes showing roads, highways, parks and playgrounds and the possible location of potential new roads, highways, parks or playgrounds.

OFF-WATER AREA: Any lot or parcel of land that does not abut a lake, flowage, pond, navigable river or stream.

ON-WATER AREA: Any lot or parcel of land that abuts a lake, flowage, pond, navigable river or stream.

ORDINARY HIGH WATER MARK. (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

OUTLOT: A parcel of land, other than a lot or block, so designated on the plat.

PERSON: The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

PLAN COMMISSION: Stella Town Plan Commission.

PLAT: A map showing the salient features of a land division.

PRELIMINARY PLAT. A map showing the salient features of a proposed land division as submitted to the Town Plan Commission for purposes of preliminary consideration.

PUBLIC UTILITY: Any corporation, company, individual or association that furnishes products or services to the public, and that is regulated under Chapter 195 or 196, Wisconsin Statutes, including railroads, telecommunications or telegraph companies, and any company furnishing or producing heat, light, power, cable television service or water, or a rural electrical cooperative, as described ins. 32.02(10), Wisconsin Statutes.

PUBLIC WAY: Any public road, highway, walkway, drainage way, or part thereof.

REPLAT: The changing of the boundaries of a recorded land division plat or subdivision plat or part thereof.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied for a special use. Right of way intended for roads, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

RIPARIAN: An owner of land abutting or adjacent to navigable waters.

RIPARIAN FRONTAGE WIDTH: Riparian frontage width shall be measured as the lesser of a straight line connecting points where, the side lot lines intersect the OHWM or as the length of a chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.

ROAD: Includes all access ways in common use such as roads, lanes, highways, and culde-sacs and includes all of the land lying between the rights of way lines as delineated on a plat showing such roads whether improved or unimproved, and whether dedicated for public use or held in trust under the terms of a reservation, but shall not include those access ways such as easements and rights of way intended solely for limited utility purposes such as for electric power lines, gas lines, telephone lines, water lines or drainage and sanitary sewers.

ROAD, ARTERIAL: A major, high capacity road designed to carry large volumes of traffic between various areas of the Town.

ROAD, COLLECTOR: A road which carries traffic from minor roads to the system of major roads and highways including the principal entrance roads of a residential development and the principal circulating roads within such a development.

ROAD, HALF: A road bordering one or more property lines of a tract of land in which the subdivider has allocated a part of the ultimate right-of-way width.

ROAD, MINOR OR LOCAL: A road of limited continuity used primarily for access to abutting properties.

SERVICE DRIVE: An approved public road generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.

SHORELANDS: Lands within the following distance from the ordinary high water mark of navigable waters; 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

SUBDIVIDER: A person commencing proceedings under the regulations of this ordinance to effect a division of land for himself or others.

SUBDIVISION: A division of a lot, parcel or tract of land for the purpose of sale or building development where:

- (a) The act of division creates five (5) or more lots or parcels of land seventeen (17) acres each or less in area; or
- (b) Five (5) or more lots or parcels of land seventeen (17) acres each or less in area are created by successive land divisions within a period of five (5) years.

Every subdivision is a Major Land Division.

SURVEYOR: A land surveyor duly registered in the State of Wisconsin.

TOWN: Town of Stella unless a general reference to towns is inferred.

UTILITY: See "PUBLIC UTILITY".

WATERS: Lakes, navigable streams, rivers and flowages.

WETLAND: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions as determined by the DNR Wetland Inventory Map.

LAND DIVISION PROCEDURE 13.4.01

13.4.01 PREAPPLICATION. Prior to the filing of an application for the approval of a land division, it is recommended that the subdivider consult with the Plan Commission or its designee in order to obtain their advice and assistance.

13.4.02 PRELIMINARY PLAT REVIEW: (a) Submission of Plats. Before submitting a final plat for approval, the subdivider shall file 10 copies of a preliminary plat and a letter of application with the Town Clerk. The preliminary plat shall be prepared in accordance with this ordinance and Sections 236.11 and 236.12, Wis. Statutes.

(b) Review of Plats. The Town Clerk shall transmit a copy of the preliminary plat to the Town Board members and the Plan Commission. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this ordinance and all ordinances, rules, regulations, general plan and general plan components which affect it, and the Plan Commission shall submit its recommendations to the Town Board within 60 days.

13.4.03 PRELIMINARY PLAT APPROVAL. The Town Board, within 90 days of the date of the filing of a preliminary plat with the Town Clerk shall approve, approve conditionally or reject such plat unless an extension of the review period is mutually agreed upon in writing. The Board's decision with the date and action endorsed, shall be stated in a letter of transmittal setting forth the conditions of approval or the reasons for rejection. One copy of the plat accompanying letter and minutes of the Town Board concerning its actions shall be placed in the Town Clerk's permanent file.

(a) Failure of the Town Board to act within 90 calendar days shall constitute an approval of the plat as filed unless the review period is extended by mutual agreement.

(b) If the final plat is submitted within 24 months of preliminary plat approval and conforms substantially to the preliminary plat as indicated in Section 236.11 (l)(b), Wis.

Statutes, the final plat shall be entitled to approval as to layout.

13.4.04 FINAL PLAT REVIEW AND APPROVAL: The subdivider shall submit a final plat and a letter of application in accordance with this ordinance and Sections 236.11 and 236.12, Wis. Statutes, and shall file 10 copies of the plat and the application with the Town Clerk

(a) The Town Clerk shall transmit the original final plat and 6 copies to the Town Board. A copy shall also be submitted to each public utility affected.

(b) The Town Clerk shall transmit the copies of the final plat to the Plan Commission and Town Board Members.

- (c) The Plan Commission and Town Board shall examine the final plat as to its conformance with: the approved preliminary plat; any conditions of approval of the preliminary plat, including any required "Agreements"; this ordinance and all ordinances, rules, regulations, general plan and general plan components which may affect it. The Plan Commission, within 30 days of filing, shall recommend approval or rejection of the plat which the subdivider proposes to record, to the Town Board.

13.4.05 **FINAL PLAT APPROVAL:**

- (a) Submission. If the final plat is not submitted within 12 months of the last required approval of the preliminary plat, the Town Board may reject the final plat for that reason.
- (b) Plan Commission Recommendation. The Plan Commission shall, within 30 days of the date of filing of the final plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application, along with its recommendations, to the Town Board.
- (c) Notification. The Plan Commission shall, at the time it recommends approval or rejection of a plat to the Town Board and at least 10 days prior to any action of the Town Board, give notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.
- (d) Town Board Approval or Rejection. The Town Board shall, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider.
- (e) Timely Town Board Action Required. Failure of the Town Board to take action on the plat within 60 days, the time having not been extended and no objections having been filed, the plat shall be deemed approved.
- (f) Consent and Waiver. Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the Town, a developer's Agreement which incorporates a consent and waiver of the statutory provisions for special assessment for the installation of surface water drainage facilities, road surfacing and all required utilities, which will be in a form approved by the Town Attorney, and shall be recorded in the office of the

Register of Deeds in the same manner as a lis pendens. Such developer's agreement shall

provide that the installation of such services shall be made at the discretion of the Town Board.

- (g) Recordation. After the final plat has been approved by the Town Board and required improvements either installed or an Agreement and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the

plat

attesting to such approval to be duly executed and shall further cause the plat to be recorded within 30 days of its approval by the Town Board. The subdivider shall be responsible for the recording fee.

- (h) Plat Copies. The subdivider shall file a sufficient number of certified copies of the final plat with the Town Clerk for distribution to appropriate local agencies and offices.

13.4.06 **REPLAT.** When it is proposed to replat a recorded land division or subdivision, or part hereof, the person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 Wis. Statutes. The individual desiring to replat shall then proceed as specified in this Section.

13.4.07 (Reserved for future use)

PRELIMINARY PLAT 13.5.01

13.5.01 **GENERAL REQUIREMENTS.** A preliminary plat shall be required for all major land divisions and all minor land divisions creating more than two lots. Such plat shall be based upon a survey by a registered land surveyor. The plat shall be prepared in accordance with Section 236.20 Wis. Statutes.

13.5.02 **GRADING PLANS AND PROFILES.** The Town Board may require that the Subdivider provide road plans and profiles showing existing ground surface, proposed and established road grades, including extensions for a reasonable distance beyond the limits of the proposed land division or subdivision when requested. All elevations shall be based upon NAVD 29 or 88 datum, or an assumed and referenced datum. Plans and profiles shall be of sufficient detail to determine that roads will conform to the grade of existing roads or their extension or to the established grades of future roads and shall be subject to the approval of the Town Board.

13.5.03 **TESTING.** The Town Board may require that borings and soundings be made in specified areas of proposed Town Roads to ascertain subsurface soil, rock and water conditions.

13.5.04 **COVENANTS.** The Town Board may require submission of a list of existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed land division or subdivision and otherwise protect the proposed development.

13.5.05 **AFFIDAVIT.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this ordinance.

13.5.06 (Reserved for future use)

FINAL PLAT 13.6.01

13.6.01 GENERAL REQUIREMENTS. A final plat prepared by a registered land surveyor shall be required for all major land divisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Statutes, with this Ordinance and with Administrative Code A-E-7.

13.6.02 ADDITIONAL INFORMATION. The plat shall show correctly on its face, in addition to the information required by Section 236.15 and 236.20, Wis. Statutes, the following:

- (a) Exact length, width and bearing of all roads within and abutting the plat.
- (b) Location and width of the right-of-way of any obliquely intersecting road.
- (c) Railroad rights-of-way within and abutting the plat.
- (d) Utility and/or drainage easements.
- (e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (f) Special restrictions required by the Town relating to access control along public ways, delineation of floodplain limits, or the provision of planting strips.

13.6.03 DEED RESTRICTIONS. The Town Board may require that deed restrictions imposed by the subdivider be filed with the final plat.

13.6.04 PLAT RESTRICTIONS. The Town Board may require that plat restrictions intended to reflect Town plans and ordinances be placed on the face of the plat.

13.6.05 SURVEY ACCURACY. The Plan Commission or its designee shall examine all final plats within the Town and may make, or cause to be made by a registered land surveyor, field checks for the accuracy and closure of survey, the proper kind and location of monuments, and the legibility and completeness of the drawing. In addition: The survey accuracy shall be in accordance with Wis. Administrative Code AE- 7 or Wis. Statutes as applicable.

13.6.06 ONEIDA COUNTY PLANE COORDINATE SYSTEM. All plats shall be tied directly to a section or quarter corner monumented according to data available in the Oneida County Coordinate System. The exact grid bearing and ground distance of such tie shall be determined by field measurements, and the material and Oneida County State plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and ground distance of the tie shall be determined by a closed survey meeting the error of closure specified in Section 6.01 above for the survey of the exterior boundaries of the land division or subdivision. All distances and bearings shall be referenced to the Oneida County Coordinate System.

13.6.07 CERTIFICATES. All final plats shall provide all the certificates

required by Section 236.21, Wis. Statutes, and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this ordinance. The subdivider's certificate shall be fully executed prior to Town Board approval.

13.6.08 **RECORDATION.** The developer shall record the final plat after all required signatures and certificates are obtained.

13.6.09 **DUPLICATE PLAT TO BE FILED.** An identical copy of the plat along with the recording data, shall be placed on file with the Town Clerk.

13.6.10 (Reserved for future use)

MINOR LAND DIVISION 13.7.01

13.7.01 **MINOR LAND DIVISION.** Minor land divisions shall be made by a certified survey map prepared in accordance with Section 236.34 Wis. Statutes. All minor land divisions must comply with the provisions of this Ordinance including Section 13.13.02 and Section 13.14.01 of this Ordinance. Any minor land division resulting in creation of only two (2) new lots, both of which are eight (8) acres or more in size, may be made by an acceptable legal description without CSM. The Town Board shall determine what an acceptable legal description consists of following review and recommendation of the Plan Commission.

13.7.02 (Reserved for future use)

MINOR LAND DIVISION WITH TWO HABITABLE DWELLING STRUCTURES 13.8.01

13.8.01 A MINOR LAND DIVISION WITH TWO HABITABLE

DWELLING STRUCTURES: A Minor Land Division of an improved lot with two existing habitable dwelling structures constructed thereon, creating two new lots, neither one of which meets the requirements of this ordinance, may be approved if the following provisions are met:

- (a) An on-water or off-water lot of record containing two existing habitable dwelling structures as of _____, but having insufficient total water front footage or total area dimensions so as to permit division into two new lots meeting the requirements of this ordinance, may be split into two new lots provided each of the new lots meet the requirements of the Oneida County Subdivision Ordinance and the Oneida Code.
- (b) A certified survey map of the land division shall be provided to the Plan Commission for review and approved by the Town Board before review by the County Planning and Zoning Department.
- (c) The recording and filing of the MILD shall be done within 10 days following final approval by the Town Board, unless approval of the County Planning and Zoning Department is required. In this instance, filing and recording requirements of the County Planning and Zoning Department shall apply.

13.8.02 (Reserved for future use)

CERTIFIED SURVEY MAP 13.9.01

13.9.01 GENERAL REQUIREMENTS. A Certified Survey Map (CSM) submitted to the Plan Commission for review and approval by the Town Board shall show correctly on its face the information required by Section 236.34, Wis. Statutes. In addition, all certified survey maps submitted for review and approval shall show the following:

- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
- (b) Utility and/or drainage easements.
- (c) All lands reserved for future acquisition.
- (d) Date of the map.
- (e) The 100 year floodplain limits or, where such data is not available, a contour line 2 feet above the OHWM shall be shown.
- (f) Graphic scale and north arrow.
- (g) Name and address of the owner, subdivider and surveyor.

13.9.02 ONEIDA COUNTY PLANE COORDINATE SYSTEM. All certified survey maps shall be tied directly to a section or quarter corner monumented according to data available in the Oneida County Coordinate System. The exact grid bearing ~ and distance of such tie shall be determined by field measurements, and the material and Oneida County plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in Wisconsin Administrative Code AE- 7 or Wisconsin Statutes as applicable for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to data available in the Oneida County Coordinate System.

13.9.03 CERTIFIED SURVEY MAP CERTIFICATES. The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this ordinance. After reviewing the map, the Town Board, upon the recommendation of the Plan Commission, shall certify its approval on the face of the map. After receiving approval by the Town Board, such maps shall be certified by the Town Chairperson and the Town Clerk. In addition, dedication of roads and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236:21(2)(a), Wis. Statutes.

CERTIFIED SURVEY MAP 13.9.04

13.9.04 **APPROVAL.** No certified survey map shall be approved by the Plan Commission until all required improvements have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement.

13.9.05 **RECORDATION AND FILING.** The certified survey map shall only be recorded after the recommendation of the Plan Commission and the approval of the Town Board. The certified survey map may not be filed with the County Land Information Office until approved by the Town Board.

13.9.06 **DUPLICATE CSM TO BE FILED.** An identical copy of the CSM along with the recording data shall be placed on file with the Town Clerk within 30 days after recording.

13.9.07 (Reserved for future use)

LAND DIVISION DESIGN STANDARDS 13.10.01

13.10.01 **ROAD ARRANGEMENT.** On any new subdivision plat or certified survey map, all roads shall conform to all specifications in the Town Road Ordinance. The land division or subdivision shall be designed so as to provide each lot with direct vehicular access to a public or private road. In addition, whenever a new parcel or condominium unit is created which does not have direct vehicular access to an existing town road or county or state highway, said parcel shall be provided access over a road which meets all of the specifications for town roads as specified in the Town Road Ordinance, whether such new road is intended to be a public or private road.

- (a) Arterial Roads. Arterial roads shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial roads and highways and shall be, in so far as practicable, continuous and in alignment with existing or planned roads with which they are to connect.
- (b) Collector Roads. Collector roads shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major road and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major roads to which they connect.
- (c) Local Town Roads and Private Roads. Local town roads and private roads shall be arranged to conform to the topography, to permit the design of efficient storm water management and to require the minimum road area necessary to provide safe and convenient access to abutting property.
- (d) Proposed Roads. Proposed roads shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- (e) Arterial Road and Highway Protection. Whenever the proposed land division or subdivision contains or is adjacent to an arterial road or highway, adequate protection

of residential properties, limitation of access and separation of through and local traffic

shall be provided by reserved frontage with screen planting or an earth berm contained in

a nonaccess reservation along the rear or side property line, or by the use of frontage roads.

f) Reserve Strips. Reserve strips shall not be provided on any plat to control access to roads or alleys, except where control of such strips is placed with the

Town

Board under conditions recommended by the Plan Commission.

(g) Road Names. Road names shall not duplicate or be similar to road names existing elsewhere in the Town or elsewhere in Oneida County. Existing road names shall be projected wherever possible.

13.10.02 LIMITED ACCESS HIGHWAY. Whenever the proposed land division contains or is adjacent to a limited access highway, the design shall provide the following treatment:

(a) When lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway, a planting strip at least 30 feet in depth

and/or an earth berm shall be provided adjacent to the highway in addition to the normal

lot depth. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees

and shrubs; the building of structures and placement of longitudinal easements for utilities hereon is prohibited."

(b) Commercial and industrial properties shall have provided, on each side of the limited access highway, roads approximately parallel to and at a suitable distance

from

such highway or railroad for the appropriate use of the land between such roads

and

highway, but not less than 150 feet.

(c) Roads parallel to a limited access highway, when intersecting a high collector road and highway or collector road which crosses said highway, shall be located at

a

minimum distance of 250 feet from said highway. Such distance, where desirable

and

practicable, shall be determined with due consideration of the minimum distance required

for the future separation of grades by means of appropriate approach gradients.

(d) Location of local roads immediately adjacent to high collector roads and highways shall be avoided in residential areas.

13.10.03 ROAD DESIGN STANDARDS.

- (a) The minimum right-of-way width is 66' and the minimum driving surface width is 20 feet for all proposed roads whether public or private.
- (b) Any proposed roads in the proposed land division shall comply with all provisions of the Town Road Ordinance and be subjected to town inspection.

13.10.04 **LOTS.** The size, shape and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated, but in no case shall be less than five (5) acres in size. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- (a) Side lot lines shall be at approximately right angles to straight road lines or radial to curved road lines on which the lots face. Wherever practical, lot lines shall follow municipal boundary lines rather than cross them.
- (b) Every lot shall front or abut for a distance of at least 66 feet on a public road or private road built to Town private road standards in the Town Road Ordinance, but
under extenuating circumstances, may be reduced if the lot is 50 feet wide at the front
setback. Every lot abutting on a private road shall have access to a Town road or state
highway over a private road that meets Town private road standards and specifications.
- (c) Area and dimensions of lots shall conform to the requirements of the County Zoning Code and this ordinance (see specifically Sections 13 and 14) and, in areas not
served by public sewers, shall, in addition, conform to the requirements of Comm.
83
Wis. Adm. Code. Whenever a tract is divided into large parcels, such parcels shall be
arranged and dimensioned as to allow re-division of any such parcels into normal lots in
accordance with the provisions of this ordinance.
- (d) Excessive depth in relation to width shall be avoided and a proportion of 3: 1 (depth:width) shall be considered a desirable ratio under normal conditions. Depth of lots
or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-road service and parking required by the use contemplated.

13.10.05 **ELECTRIC AND COMMUNICATION FACILITIES EASEMENTS:** Adequate easement shall be provided and dedicated on each side of all rear lot lines, and on side lot

lines, across lots or along front lot lines where necessary, for the installation of electric and communications facilities. Such easement shall be noted as "Utility Easements" on the final plat or certified survey map.

13.10.06 (Reserved for future use)

REQUIRED IMPROVEMENTS 13.11.01

13.11.01 **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Statutes. Said Monuments must be installed prior to recording any plat or must be addressed in an Agreement with the Town.

13.11.02 **STORM WATER DRAINAGE FACILITIES.** Where deemed appropriate by the Plan Commission the subdivider shall construct storm water drainage facilities which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, water retention structures and settling basins. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the Town Board or its designee. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Board or its designee. If the Town Board determines it is necessary to construct storm sewer facilities outside the boundaries of the land division or development and the land division or development is benefited thereby, the Town shall construct such facilities and the subdivider or developer shall share the cost thereof in the same ratio that the benefiting area of the land division or development bears to the total area served by said outside construction.

13.11.03 **OTHER UTILITIES.** The subdivider shall have arranged with the affected utility companies for gas, electric, telephone or CATV facilities to be installed in such a manner as to make adequate service available to each lot in the land division when needed. Where underground utility cables are to be installed in a new residential land division or a subdivision, the utility may install conduit for road crossings before the road is surfaced to facilitate later installation of the necessary cable to serve such land or subdivision or portions thereof. The installation of conduit shall be in lieu of direct installation of the underground cable. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Plan Commission.

13.11.04 (Reserved for future use)

CONSTRUCTION 13.12.01

13.12.01 **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed land division until the preliminary plat or certified survey map has been approved by both the Plan Commission and the Town Board.

13.12.02 **PLANS.** The following plans and accompanying construction specifications may be required by the Plan Commission before authorization by the Town Board of construction or installation of improvements:

- (a) Road plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
- (b) Storm water drainage facility plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- (c) Planting plans showing the locations, age and species of any required trees.
- (d) Additional special plans or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.

13.12.03 **INSPECTION.** The subdivider, prior to commencing any work within the land division or subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board or its designee shall inspect all work, in progress or completed, prior to Town Board approval of the final plat or release of the sureties. The Town Board shall be reimbursed by the subdivider for all costs incurred to inspect the improvements.

13.12.04 (Reserved for future use)

ON-WATER LAND DIVISION STANDARDS 13.13.01

13.13.01 **PURPOSE AND INTENT.** The Town Board has determined that in order to enhance the quality of the division or subdivision of land within areas of the Town affecting properties having frontage on any of the lakes, flowages, ponds, navigable rivers and/or, and irrigation ponds streams located within the town, that standards more stringent than current County development standards be established as provided in Section 13.13.02 and the Table following:

13.13.02 **CLASSIFICATION OF WATERS OF THE TOWN.** The waters of the Town are hereby designated into three (3) management classifications; Class "A"-most protection, Class "B" - intermediate protection, and Class "C"-least protection. The classification designation for all lakes, flowages, ponds and navigable rivers or streams located within the town is included as Exhibit 1 (the Waterbody Classification Manual), which is a part of this Ordinance.

- a) On-Water Frontage Specifications. Any subdivision of land in areas of the Town affecting properties having frontage of any of the lakes, flowages, ponds, navigable rivers or and/or streams, and irrigation ponds, shall have riparian frontage of at least 200 feet.
- b) Each lot shall have the minimum riparian frontage width (RFW) as listed in the table below. The minimum riparian frontage width shall be measured as the lesser of a straight line connecting points where the side lot lines intersect the OHWM or as the length of a chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.
- c) Each lot shall have a minimum average lot width (ALW) as listed in table below. The minimum average lot width shall apply to the area covered by the minimum lot area and shall be calculated using the protocol described in Wis. Admin. Code, Comm. 85 Appendix.

13.13.03 (Reserved for future use.)

OFF -WATER LAND DIVISION STANDARDS 13.14.01

13.14.01 (Reserved for future use.)

13.14.02 **MINIMUM AVERAGE LOT WIDTH.** The minimum average lot width (ALW) referred to in the above table shall apply to the area covered by the minimum lot area and shall be calculated using the protocol described in Wis. Admin. Code, Comm. 85 Appendix.

13.14.03 (Reserved for future use)

FEES 13.15.01

13.15.01 **PAYMENT RESPONSIBILITY.** The individual creating the land division shall pay to the Town all fees as hereinafter required at the time specified.

13.15.02 **MINOR LAND DIVISION - TWO (2) LOTS.** The owner of record of the lot to be split shall pay a fee as established by the Town fee schedule to the Town at the time of application for approval of lot split using a metes and bounds description to assist in defraying the cost of review.

13.15.03 **CERTIFIED SURVEY MAP REVIEW FEE.** The owner of record or the subdivider of a minor land division or subdivision shall pay a fee as established by the Town fee schedule to the Town at the time of application for approval of such land division to assist in defraying the cost of review.

13.15.04 **PRELIMINARY PLAT REVIEW FEES.** The subdivider shall pay a fee as established by the Town fee schedule for each lot or parcel over 10 in number within the preliminary plat to the Town at the time of first application for approval of any preliminary plat to assist in defraying the cost of review.

13.15.05 **PRELIMINARY PLAT APPLICATION FEES.** A fee as established by the Town fee schedule shall be paid to the Town at the time of reapplication for approval of any preliminary plat that has been previously reviewed.

13.15.06 **FINAL PLAT REVIEW FEES.** The subdivider shall pay a fee as established by the Town fee schedule for each lot. or parcel over 10, if the per lot portion of the fee has not been previously paid at the time of submission of a preliminary plat for review, to the Town at the time of first application for approval of the final plat to assist in defraying the cost of review.

13.15.07 **FINAL PLAT REAPPLICATION FEES.** A fee as established by The Town fee schedule shall be paid to the Town at the time of reapplication for approval of any final plat that has been previously reviewed.

13.15.08 **INSPECTION FEES.** The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority.

13.15.09 **ENGINEERING FEES.** The subdivider or developer shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the land division or minor land division. Engineering work shall include the review and approval of construction plans. The Town Board or its designee may permit the subdivider to furnish all, some or part of the required construction plans. The fee for engineering work shall be billed periodically and shall be payable within 10 days.

FEES 13.15.01

13.15.10 **LEGAL FEES.** The subdivider or developer shall pay a fee equal to the cost of any legal work that may be undertaken by the Town in connection with the subdivision, minor land division or planned development. Legal work shall include all conferences regarding the land subdivision or development and the drafting of contracts and agreements between the Town and the subdivider. Legal fees shall be billed periodically and shall be payable within 30 days of the date of invoice.

13.15.11 **SPECIAL MEETINGS OF THE PLAN COMMISSION.** Should the subdivider desire a special (non-scheduled) meeting of the Plan Commission for review of a Preliminary Plat, a Certified Survey, or Final Plat such special meetings can be called by the Chairperson of the Plan Commission. The subdivider shall reimburse the Town for the cost of such special meetings of the Plan Commission.

13.15.12 (Reserved for future use)

Dated this 3rd day of October, 2006.

By the Town Board

_____ Chair

_____ Supervisor

_____ Supervisor

Attest: Jean Fish, Town Clerk

VIOLATIONS 13.16.01

13.16.01 VIOLATIONS. It shall be a violation of this Ordinance to build upon, divide, convey, record or place monuments on any lot created in violation of this ordinance or the Wisconsin Statutes. No person shall be issued a permit by the Town authorizing the improvement of any lot within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes.

13.16.02 ENFORCEMENT AND PENALTIES. The provisions of this Ordinance shall be administered and enforced by and under the direction of the Town Board.

A. Investigation and Compliance; Notice of Violation

1. The Town Board or its delegate is responsible for conducting the necessary inspection and investigation to insure compliance with this Ordinance and, through field notes, photographs and other means, documenting the presence of violations.
2. If, upon investigation, the Town Board becomes aware of a violation of this Ordinance, it shall immediately notify responsible parties and those potentially liable. Such notice shall include a demand that the condition that is alleged to constitute a violation be halted or remedied, and a statement that a complaint about the condition will be transmitted to the Town Attorney for prosecution if remedial action has not occurred within 10 days. Responsible parties and those potentially liable shall include but not be limited to the landowner, tenants, and contractors.
3. If the same or similar violation recurs within a two-year period, whether or not it involves the same property or the same or similar conduct by the owner, agent or contractor, notification of violation may be waived by the Town Board and immediate legal action can be commenced to prosecute the violation.

13.16.03 PROSECUTION, INJUNCTIONS, FINES AND FORFEITURES, IMPRISONMENT.

1. It shall be the duty of the Town Board to expeditiously review all alleged violations of this Ordinance plan and take action as appropriate.
2. A forfeiture of not less than \$100.00, nor more than \$500.00, plus costs of prosecution for each offense, shall be imposed for each violation of this Ordinance.

3. Each day a violation exists or continues shall be considered a separate and distinct offense.
4. As a substitute for or in addition to forfeiture actions, the Town Attorney may, on behalf of the Town, seek enforcement of any and all parts of this Ordinance by court actions seeking injunctive orders of restraining orders and/or by pursuing nuisance actions against the violator.
5. An assessor's plat made under §70.27 Wis. Statutes, may be ordered as a remedy by the Town at the expense of the subdivider when a subdivision, as defined herein, is created by successive divisions.
6. Any deed or other conveyance of parcel of land recorded contrary to the requirements of this chapter shall be void.

13.16.04 VIOLATIONS OF PERMITS OR CONDITIONS UNDER THIS ORDINANCE. Violation of a condition under this Ordinance shall be deemed a violation of this Ordinance and shall constitute grounds for revocation of the approval as well as fines and forfeitures and any other available remedies.

13.16.05 REVOCATION OF APPROVAL. The Town Board shall retain continuing jurisdiction over all activities authorized by the land division approval for the purpose of assuring compliance with this ordinance and other ordinances and the terms of the approval. If the Town Board finds that the subdivider is not in compliance with the terms of the approval, it may amend, suspend or revoke the approval. The decision of the Town Board shall be furnished to the subdivider in writing, stating the reasons therefor.

13.16.06 APPROVAL ISSUED IN VIOLATION OF THIS ORDINANCE. An approval issued in violation of this ordinance, the Wisconsin Administrative Code or the Wisconsin Statutes, gives the permit holder no vested right to continue the land division authorized by the approval and the plat is considered voidable.

13.16.07 (Reserved for future use)

EFFECTIVE DATE 13.17.01

13.17.01 **EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after passage by the Stella Town Board and posting as provided by the law and publication in pamphlet form as a code pursuant to §66.01 03 Wis. Statutes.

13.17.02 (Reserved for future use)